

February 8, 2005



DIGEST OF HB 1113 (Updated February 7, 2005 4:55 pm - DI 107)

Citations Affected: IC 33-37.

Synopsis: Service fees. Provides for the collection of a \$10 service fee in civil actions for each defendant added and each additional defendant named other than the first named defendant. Increases the small claims service fee from \$5 to \$10 for each defendant named or added in a small claims action. Specifies that 100% of the service fees shall be deposited in the appropriate county, city, or town general fund.

Effective: July 1, 2005.

Richardson, Ulmer, Kuzman, Foley

January 6, 2005, read first time and referred to Committee on Judiciary. February 1, 2005, amended, reported — Do Pass. February 7, 2005, read second time, amended, ordered engrossed.









First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1113

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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Be it enacted by the General Assembly of the State of Indiana:

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SECTION 1. IC 33-37-4-4, AS AMENDED BY P.L.85-2004,
SECTION 19, AND AS AMENDED BY P.L.95-2004, SECTION 7, IS
CORRECTED AND AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk shall collect a civil
costs fee of one hundred dollars (\$100) from a party filing a civil
action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
 - (5) Proceedings in small claims court under IC 33-34.
 - (6) Proceedings in actions described in section 7 of this chapter.
 - (b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

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1	(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or			
2	IC 33-37-5-4).			
3	(2) A support and maintenance fee (IC 33-37-5-6).			
4	(3) A document storage fee (IC 33-37-5-20).			
5	(4) An automated record keeping fee (IC 33-37-5-21).			
6	(5) A judicial administration fee under (IC 33-37-5-21.2).			
7	(5) (6) A judicial insurance adjustment fee under (IC 33-37-5-25).			
8	(7) A service fee (IC 33-37-5-26).			
9	SECTION 2. IC 33-37-4-6, AS AMENDED BY P.L.85-2004,			
0	SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9, IS			
1	CORRECTED AND AMENDED TO READ AS FOLLOWS			
2	[EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action,			
3	the clerk shall collect the following:			
4	(1) From the party filing the action: both of the following fees:			
.5	(1) (A) a small claims costs fee of thirty-five dollars (\$35);			
6	and			
7	(2) (B) a small claims service fee of five ten dollars (\$5) (\$10)			
8	for each named defendant. named or added in the small claims			
9	action.			
20	(2) From any party adding a defendant, a small claims service			
21	fee of ten dollars (\$10) for each defendant added in the action.			
22	However, a clerk may not collect a small claims costs fee or small			
23	claims service fee for a small claims action filed by or on behalf of the			
24	attorney general.			
25	(b) In addition to a small claims costs fee and small claims service			
26	fee collected under this section, the clerk shall collect the following			
27	fees, if they are required under IC 33-37-5:			
28	(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or			
29	IC 33-37-5-4).			
0	(2) A document storage fee (IC 33-37-5-20).			
1	(3) An automated record keeping fee (IC 33-37-5-21).			
32	(4) A judicial administration fee under (IC 33-37-5-21.2).			
3	(4) (5) A judicial insurance adjustment fee under (IC 33-37-5-25).			
4	(c) This section applies after June 30, 2005.			
55	SECTION 3. IC 33-37-5-26 IS ADDED TO THE INDIANA CODE			
66	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY			
57	1, 2005]: Sec. 26. (a) This section applies to a civil action in which			
8	the clerk is required to collect a civil costs fee under			
19	IC 33-37-4-4(a).			
10	(b) The clerk shall collect the following:			
1	(1) From the party filing the civil action, a service fee of ten			
12	dollars (\$10) for each additional defendant named other than			



1	the first named defendant.	
2	(2) From any party adding a defendant, a service fee of ten	
3	dollars (\$10) for each defendant added in the civil action.	
4	SECTION 4. IC 33-37-7-2, AS AMENDED BY P.L.85-2004,	
5	SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13,	
6	IS CORRECTED AND AMENDED TO READ AS FOLLOWS	
7	[EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The clerk of a circuit court	
8	shall distribute semiannually to the auditor of state as the state share for	
9	deposit in the state general fund seventy percent (70%) of the amount	
10	of fees collected under the following:	1
11	(1) IC 33-37-4-1(a) (criminal costs fees).	
12	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).	•
13	(3) IC 33-37-4-3(a) (juvenile costs fees).	
14	(4) IC 33-37-4-4(a) (civil costs fees).	
15	(5) IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A) (small claims costs	
16	fees).	4
17	(6) IC 33-37-4-7(a) (probate costs fees).	1
18	(7) IC 33-37-5-17 (deferred prosecution fees).	
19	(b) The clerk of a circuit court shall distribute semiannually to the	
20	auditor of state for deposit in the state user fee fund established in	
21	IC 33-37-9-2 the following:	
22	(1) Twenty-five percent (25%) of the drug abuse, prosecution,	
23	interdiction, and correction fees collected under	
24	IC 33-37-4-1(b)(5).	
25	(2) Twenty-five percent (25%) of the alcohol and drug	
26	countermeasures fees collected under IC 33-37-4-1(b)(6),	
27	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).	1
28	(3) Fifty percent (50%) of the child abuse prevention fees	'
29	collected under IC 33-37-4-1(b)(7).	
30	(4) One hundred percent (100%) of the domestic violence	
31	prevention and treatment fees collected under IC 33-37-4-1(b)(8).	
32	(5) One hundred percent (100%) of the highway work zone fees	
33	collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).	
34	(6) One hundred percent (100%) of the safe schools fee collected	
35	under IC 33-37-5-18.	
36	(7) One hundred percent (100%) of the automated record keeping	
37	fee (IC 33-37-5-21).	
38	(c) The clerk of a circuit court shall distribute monthly to the county	
39	auditor the following:	
40	(1) Seventy-five percent (75%) of the drug abuse, prosecution,	
41	interdiction, and correction fees collected under	
42	IC 33-37-4-1(b)(5).	





1	(2) Seventy-five percent (75%) of the alcohol and drug	
2	countermeasures fees collected under IC 33-37-4-1(b)(6),	
3	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).	
4	The county auditor shall deposit fees distributed by a clerk under this	
5	subsection into the county drug free community fund established under	
6	IC 5-2-11.	
7	(d) The clerk of a circuit court shall distribute monthly to the county	
8	auditor fifty percent (50%) of the child abuse prevention fees collected	
9	under IC 33-37-4-1(b)(7). The county auditor shall deposit fees	
10	distributed by a clerk under this subsection into the county child	
11	advocacy fund established under IC 12-17-17.	
12	(e) The clerk of a circuit court shall distribute monthly to the county	
13	auditor one hundred percent (100%) of the late payment fees collected	
14	under IC 33-37-5-22. The county auditor shall deposit fees distributed	
15	by a clerk under this subsection as follows:	
16	(1) If directed to do so by an ordinance adopted by the county	
17	fiscal body, the county auditor shall deposit forty percent (40%)	
18	of the fees in the clerk's record perpetuation fund established	
19	under IC 33-37-5-2 and sixty percent (60%) of the fees in the	
20	county general fund.	
21	(2) If the county fiscal body has not adopted an ordinance	
22	described in subdivision (1), the county auditor shall deposit all	
23	the fees in the county general fund.	
24	(f) The clerk of the circuit court shall distribute semiannually to the	
25	auditor of state for deposit in the sexual assault victims assistance fund	
26	established by IC 16-19-13-6 one hundred percent (100%) of the sexual	
27	assault victims assistance fees collected under IC 33-37-5-23.	,
28	(g) The clerk of a circuit court shall distribute monthly to the county	
29	auditor the following:	
30	(1) One hundred percent (100%) of the support and maintenance	
31	fees for cases designated as non-Title IV-D child support cases in	
32	the Indiana support enforcement tracking system (ISETS)	
33	collected under IC 33-37-5-6.	
34	(2) The percentage share of the support and maintenance fees for	
35	cases designated as IV-D child support cases in ISETS collected	
36	under IC 33-37-5-6 that is reimbursable to the county at the	
37	federal financial participation rate.	
38	The county clerk shall distribute monthly to the office of the secretary	
39	of family and social services the percentage share of the support and	
40	maintenance fees for cases designated as Title IV-D child support cases	

in ISETS collected under IC 33-37-5-6 that is not reimbursable to the

county at the applicable federal financial participation rate.



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1	(h) The clerk of a circuit court shall distribute monthly to the county
2	auditor one hundred percent (100%) of the small claims service fee
3	under IC 33-37-4-6(a)(1)(B) and IC 33-37-4-6(a)(2) for deposit in the
4	county general fund.
5	(i) The clerk of a circuit court shall semiannually distribute to the
6	auditor of state for deposit in the state general fund one hundred
7	percent (100%) of the judicial administration fee collected under
8	IC 33-37-5-21.2.
9	(i) The clerk of a circuit court shall semiannually distribute to
10	the auditor of state for deposit in the judicial branch insurance
11	adjustment account established by IC 33-38-5-8.2 one hundred percent
12	(100%) of the judicial insurance adjustment fee collected under
13	IC 33-37-5-25.
14	(j) This section applies after June 30, 2005.
15	(k) The proceeds of the service fees collected under
16	IC 33-37-5-26 shall be distributed as follows:
17	(1) The clerk shall distribute one hundred percent (100%) of
18	the service fees collected in a circuit, superior, county, or
19	probate court to the county auditor for deposit in the county
20	general fund.
21	(2) The clerk shall distribute one hundred percent (100%) of
22	the service fees collected in a city or town court to the county
23	auditor for deposit in the city or town general fund.
24	SECTION 5. IC 33-37-7-4 IS AMENDED TO READ AS
25	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk of a
26	circuit court shall forward the county share of fees collected to the
27	county auditor in accordance with IC 33-37-7-12(a). The auditor shall
28	retain as the county share twenty-seven percent (27%) of the amount
29	of fees collected under the following:
30	(1) IC 33-37-4-1(a) (criminal costs fees).
31	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
32	(3) IC 33-37-4-3(a) (juvenile costs fees).
33	(4) IC 33-37-4-4(a) (civil costs fees).
34	(5) IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A) (small claims costs
35	fees).
36	(6) IC 33-37-4-7(a) (probate costs fees).
37	(7) IC 33-37-5-17 (deferred prosecution fees).
38	(b) This section applies after June 30, 2005.
39	SECTION 6. IC 33-37-7-6 IS AMENDED TO READ AS
40	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The qualified
41	municipality share to be distributed to each city and town maintaining

a law enforcement agency that prosecutes at least fifty percent (50%)



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1	of the city's or town's ordinance violations in a circuit, superior, or
2	county court located in the county is three percent (3%) of the amount
3	of fees collected under the following:
4	(1) IC 33-37-4-1(a) (criminal costs fees).
5	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
6	(3) IC 33-37-4-3(a) (juvenile costs fees).
7	(4) IC 33-37-4-4(a) (civil costs fees).
8	(5) IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A) (small claims costs
9	fees).
10	(6) IC 33-37-4-7(a) (probate costs fees).
11	(7) IC 33-37-5-17 (deferred prosecution fees).
12	(b) The county auditor shall determine the amount to be distributed
13	to each city and town qualified under subsection (a) as follows:
14	STEP ONE: Determine the population of the qualified city or
15	town.
16	STEP TWO: Add the populations of all qualified cities and towns
17	determined under STEP ONE.
18	STEP THREE: Divide the population of each qualified city and
19	town by the sum determined under STEP TWO.
20	STEP FOUR: Multiply the result determined under STEP THREE
21	for each qualified city and town by the amount of the qualified
22	municipality share.
23	(c) The county auditor shall distribute semiannually to each city and
24	town described in subsection (a) the amount computed for that city or
25	town under STEP FOUR of subsection (b).
26	(d) This section applies after June 30, 2005.
27	SECTION 7. IC 33-37-7-8, AS AMENDED BY P.L.85-2004,
28	SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15,
29	IS CORRECTED AND AMENDED TO READ AS FOLLOWS
30	[EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town
31	court shall distribute semiannually to the auditor of state as the state
32	share for deposit in the state general fund fifty-five percent (55%) of
33	the amount of fees collected under the following:
34	(1) IC 33-37-4-1(a) (criminal costs fees).
35	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
36	(3) IC 33-37-4-4(a) (civil costs fees).
37	(4) IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A) (small claims costs
38	fees).
39	(5) IC 33-37-5-17 (deferred prosecution fees).
40	(b) The city or town fiscal officer shall distribute monthly to the
41	county auditor as the county share twenty percent (20%) of the amount
42	of fees collected under the following:





1	(1) IC 33-37-4-1(a) (criminal costs fees).
2	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
3	(3) IC 33-37-4-4(a) (civil costs fees).
4	(4) IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A) (small claims costs
5	fees).
6	(5) IC 33-37-5-17 (deferred prosecution fees).
7	(c) The city or town fiscal officer shall retain twenty-five percent
8	(25%) as the city or town share of the fees collected under the
9	following:
10	(1) IC 33-37-4-1(a) (criminal costs fees).
11	(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
12	(3) IC 33-37-4-4(a) (civil costs fees).
13	(4) IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A) (small claims costs
14	fees).
15	(5) IC 33-37-5-17 (deferred prosecution fees).
16	(d) The clerk of a city or town court shall distribute semiannually to
17	the auditor of state for deposit in the state user fee fund established in
18	IC 33-37-9 the following:
19	(1) Twenty-five percent (25%) of the drug abuse, prosecution,
20	interdiction, and corrections fees collected under
21	IC 33-37-4-1(b)(5).
22	(2) Twenty-five percent (25%) of the alcohol and drug
23	countermeasures fees collected under IC 33-37-4-1(b)(6),
24	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
25	(3) One hundred percent (100%) of the highway work zone fees
26	collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
27	(4) One hundred percent (100%) of the safe schools fee collected
28	under IC 33-37-5-18.
29	(5) One hundred percent (100%) of the automated record keeping
30	fee (IC 33-37-5-21).
31	(e) The clerk of a city or town court shall distribute monthly to the
32	county auditor the following:
33	(1) Seventy-five percent (75%) of the drug abuse, prosecution,
34	interdiction, and corrections fees collected under
35	IC 33-37-4-1(b)(5).
36	(2) Seventy-five percent (75%) of the alcohol and drug
37	countermeasures fees collected under IC 33-37-4-1(b)(6),
38	IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
39	The county auditor shall deposit fees distributed by a clerk under this
40	subsection into the county drug free community fund established under
41	IC 5-2-11.
42	(f) The clerk of a city or town court shall distribute monthly to the



1	city or town fiscal officer (as defined in IC 36-1-2-7) one hundred	
2	percent (100%) of the late payment fees collected under IC 33-37-5-22.	
3	The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit	
4	fees distributed by a clerk under this subsection in the city or town	
5	general fund.	
6	(g) The clerk of a city or town court shall semiannually distribute	
7	to the auditor of state for deposit in the state general fund one hundred	
8	percent (100%) of the judicial administration fee collected under	
9	IC 33-37-5-21.2.	
10	(g) (h) The clerk of a city or town court shall semiannually	
11	distribute to the auditor of state for deposit in the judicial branch	
12	insurance adjustment account established by IC 33-38-5-8.2 one	
13	hundred percent (100%) of the judicial insurance adjustment fee	
14	collected under IC 33-37-5-25.	
15	(h) This section applies after June 30, 2005.	
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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1113, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, strike "or added".

Page 2, line 36, delete "from the party filing the civil action" and insert "from:

- (1) the party filing the civil action, a service fee of ten dollars (\$10) for each named defendant; or
- (2) a party adding a defendant, a service fee of ten dollars

(\$10) for each defendant added in the civil action.".

Page 2, delete lines 37 through 38.

and when so amended that said bill do pass.

(Reference is to HB 1113 as introduced.)

THOMAS, Chair

Committee Vote: yeas 7, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1113 be amended to read as follows:

Page 2, delete lines 9 through 30, begin a new paragraph and insert: "SECTION 2. IC 33-37-4-6, AS AMENDED BY P.L.85-2004, SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action, the clerk shall collect **the following:**

- From the party filing the action: both of the following fees:
 (1) (A) a small claims costs fee of thirty-five dollars (\$35);
 and
 - (2) (B) a small claims service fee of five ten dollars (\$5) (\$10) for each named defendant. named or added in the small claims action.
- (2) From any party adding a defendant, a small claims service fee of ten dollars (\$10) for each defendant added in the action. However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.
- (b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:
 - (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
 - (2) A document storage fee (IC 33-37-5-20).
 - (3) An automated record keeping fee (IC 33-37-5-21).
 - (4) A judicial administration fee under (IC 33-37-5-21.2).
 - (4) (5) A judicial insurance adjustment fee under (IC 33-37-5-25).
 - (c) This section applies after June 30, 2005.".
- Page 2, line 36, delete "collect from:" and insert "collect the following:".
 - Page 2, line 37, delete "the party" and insert "From the party".
 - Page 2, line 38, delete "defendant; or" and insert "defendant.".
 - Page 2, line 39, delete "a party" and insert "From any party".
- Page 3, line 10, strike "IC 33-37-4-6(a)(1) and insert "IC 33-37-4-6(a)(1)(A)".

Page 4, line 39, after "under" insert "IC 33-37-4-6(a)(1)(B) and".

Page 5, after line 16, begin a new paragraph and insert:

"SECTION 5. IC 33-37-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk of a

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circuit court shall forward the county share of fees collected to the county auditor in accordance with IC 33-37-7-12(a). The auditor shall retain as the county share twenty-seven percent (27%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) **IC 33-37-4-6(a)(1)(A)** (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).
- (b) This section applies after June 30, 2005.

SECTION 6. IC 33-37-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least fifty percent (50%) of the city's or town's ordinance violations in a circuit, superior, or county court located in the county is three percent (3%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).
- (b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall distribute semiannually to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

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(d) This section applies after June 30, 2005.

SECTION 7. IC 33-37-7-8, AS AMENDED BY P.L.85-2004, SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1) **IC 33-37-4-6(a)(1)(A)** (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).
- (b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:
 - (1) IC 33-37-4-1(a) (criminal costs fees).
 - (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - (3) IC 33-37-4-4(a) (civil costs fees).
 - (4) IC 33-37-4-6(a)(1) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - (5) IC 33-37-5-17 (deferred prosecution fees).
- (c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:
 - (1) IC 33-37-4-1(a) (criminal costs fees).
 - (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - (3) IC 33-37-4-4(a) (civil costs fees).
 - (4) IC 33-37-4-6(a)(1) **IC 33-37-4-6(a)(1)(A)** (small claims costs fees).
 - (5) IC 33-37-5-17 (deferred prosecution fees).
- (d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:
 - (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
 - (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 - (3) One hundred percent (100%) of the highway work zone fees



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- collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).
- (e) The clerk of a city or town court shall distribute monthly to the county auditor the following:
 - (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
 - (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

- (f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.
- (g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-37-5-21.2.
- (g) (h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.
 - (h) This section applies after June 30, 2005.".

(Reference is to HB 1113 as printed February 2, 2005.)

ULMER

HOUSE MOTION

Mr. Speaker: I move that House Bill 1113 be amended to read as follows:

Page 2, line 38, after "each" insert "additional defendant named

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other than the first".

(Reference is to HB 1113 as printed February 2, 2005.)

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